



THE CITY OF NEW YORK  
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December 13, 2011

**BY E.C.F.**

Honorable Robert M. Levy  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
New York, New York 10007

Re: Mayol v. City Of New York, et al.  
10-cv-02024 (FB)(ALC)

Your Honor:

I am a Senior Counsel in the Special Federal Litigation Division of the New York City Law Department, and the attorney assigned to the defense of the above-referenced matter. City defendants respectfully write pursuant to the Court's order of October 13, 2011, with an update on the status of this case. The parties conferred in the preparation of this report.

Discovery in this case is proceeding. Since the last status report defendants have obtained the needed medical files. Furthermore, the plaintiff is scheduled to be examined by an expert retained by defendants on December 19, 2011. The results of this exam may aid in settlement discussions. In regard to discovery, it should be noted that more time may be needed to complete document discovery. The current schedule has document discovery ending by February 28, 2012. While the bulk of documentary discovery will likely be completed by that date, defendants may require additional time to produce relevant portions of the IAB investigation into the incident, as parts of that investigation are currently still pending. In addition, following the completion of document discovery, the parties will need to conduct depositions. It is possible there will be as many as 10 depositions in this case.

City defendants thank the Court for its time and consideration in this matter.

Respectfully submitted,

/s/

Morgan D. Kunz  
Senior Counsel  
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cc: Chad D. Seigel, Esq. (By E.C.F.)  
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